

7791-0052-25

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Michael C. SCROGGIE et al

SERIAL NO. 08/873,974

3rd CPA FILED: March 2, 2001

FOR: SYSTEM AND METHOD
FOR DISTRIBUTING ...

GROUP ART UNIT: 2163

: EXAMINER: ROBINSON-BOYCE, A.



#37/Sym
brief
4-17-01

SUPPLEMENTAL APPEAL BRIEF UNDER 37 C.F.R. §1.192

ASSISTANT COMMISSIONER OF PATENTS
WASHINGTON, DC 20231

SIR:

This is an appeal from an Office Action mailed March 9, 2001 rejecting one or more claims in the present case for a fourth time. A Notice of Appeal was timely filed on March 2, 2001. **Proposed Findings of Fact and Conclusions of Law are included as Appendix II herewith. See Gechter v. Davidson, 43 USPQ2d 1030 (Fed. Cir. 1997).**

I. REAL PARTY IN INTEREST

The real party in interest in the present application is the assignee of record, **SUPERMARKETS ONLINE, INC.** 500 West Putnam Avenue, Greenwich, Connecticut 06830.

II. RELATED APPEALS AND INTERFERENCES

Appellants make of record an appeal that will be pending in the child case serial number 09/505,632 by the time the present brief is filed and that will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF THE CLAIMS

Claims 1-49 were previously cancelled and Claims 50-89, all the pending claims in the application, were previously allowed, but later withdrawn from issue via a Notice of Withdrawal from Issue mailed February 13, 2001. A subsequent Office Action mailed March 9, 2001 rejected Claims 50-89 and is herein appealed.

IV. STATUS OF THE AMENDMENTS

In a Notice of Withdrawal from Issue mailed February 13, 2001, allowed Claims 50-89 were withdrawn from issue due to alleged unpatentability of one or more claims. A Notice of Appeal and Appeal Brief were timely filed on March 2, 2001. A subsequent fourth Office Action mailed March 9, 2001 rejected Claims 50-89. An amendment filed herewith amends claims 57-59, 67-69, 77-79 and 87-89 to depend from Claims 56, 66, 76, 86 and 96, respectively, rather than Claims 55, 65, 75, 85 and 95, respectively, to correct a discovered informality and which should be entered. Accordingly, the attached Appendix I reflects Claims 50-89 as they will be pending on appeal.

V. SUMMARY OF THE INVENTION

The present invention is directed to a system, process, and computer program product for distributing product incentives to consumers over a communication network including storing at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer at a cooperative network site; coupling at least one of a manufacturer network site and a retailer network site to the cooperative network site via the communication network; coupling a consumer computer to one of the manufacturer network

site and retailer network site via the communication network; and transmitting from the cooperative network site at least one of the manufacturer incentives and retailer incentives to the consumer over the communication network, in response to a consumer request made over the communication network from one of the manufacturer network site and retailer network site (Claims 50, 60, 70 and 80).

The system, process, and computer program product as defined in Claims 50, 60, 70 and 80 further includes storing at the cooperative network site at least one of the manufacturer incentives and retailer incentives in a data base coupled thereto (Claims 51, 61, 71 and 81).

The system, process, and computer program product as defined in Claims 50, 60, 70 and 80 further includes transmitting from the cooperative network site a geographically limited list of retailers honoring incentives from the manufacturer and corresponding incentive data to the consumer via the manufacturer network site, in response to a query from the consumer made over the communication network from the manufacturer network site; transmitting by the consumer incentive selection data selected from the incentive data to the cooperative network site via the manufacturer network site; and transmitting from the cooperative network site incentives corresponding to the selection data to the consumer via the manufacturer network site (Claims 52, 62, 72 and 82).

The system, process, and computer program product as defined in Claims 52, 62, 72 and 82 further includes transmitting from the cooperative network site the geographically limited list of retailers based on a postal code provided by the consumer to the cooperative network site via the manufacturer network site (Claims 53, 63, 73 and 83).

The system, process, and computer program product as defined in Claims 50, 60, 70 and 80 further includes transmitting from the cooperative network site incentive data for

manufacturer offers available at the retailer to the consumer via the retailer network site, in response to a query from the consumer made over the communication network from the retailer network site; transmitting by the consumer incentive selection data selected from the incentive data to the cooperative network site via the retailer network site; and transmitting from the cooperative network site incentives corresponding to the selection data to the consumer via the retailer network site (Claims 54, 64, 74 and 84).

The system, process, and computer program product as defined in Claims 50, 60, 70 and 80 further includes transmitting from the cooperative network site a consumer personal page including incentive data for manufacturer offers available at the retailer to the consumer via the retailer network site, in response to a query from the consumer made over the communication network from the retailer network site; transmitting by the consumer incentive selection data selected from the incentive data to the cooperative network site via the retailer network site; and transmitting from the cooperative network site incentives corresponding to the selection data to the consumer via the retailer network site (Claims 55, 65, 75 and 85).

The system, process, and computer program product as defined in Claims 50, 60, 70 and 80 further includes transmitting from the cooperative network site incentive data for manufacturer offers available at the retailer to the consumer via the retailer network site, in response to the consumer transmitting an identification code over the communication network from the retailer network site, and basing the incentive data on consumer specific data of the consumer associated with the identification code; transmitting by the consumer incentive selection data selected from the incentive data to the cooperative network site via the retailer network site; and transmitting from the cooperative network site incentives

corresponding to the selection data to the consumer via the retailer network site (Claims 56, 66, 76 and 86).

The system, process, and computer program product as defined in Claims 56, 66, 76 and 86 further includes basing the incentive data on the consumer specific data comprising a shopping history of the consumer (Claims 57, 67, 77 and 87).

The system, process, and computer program product as defined in Claims 56, 66, 76 and 86 further includes basing the incentive data on the consumer specific data comprising demographic data of the consumer (Claims 58, 68, 78 and 88).

The system, process, and computer program product as defined in Claims 56, 66, 76 and 86 further includes basing the incentive data on the consumer specific data comprising customer profile data of the consumer (Claims 59, 69, 79 and 89).

In contrast, conventional systems and methods do not disclose nor suggest the above-noted features of the claimed invention. In view of problems inherent with conventional systems and methods, Appellants have discovered an improved system, process, and computer program product for distributing product incentives to consumers over a communication network, as described above.

VI. ISSUES

(A) Whether one or more of Claims 50, 51, 60, 61, 70, 71, 80 and 81 are anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 5,918,211 to Sloane?

(B) Whether one or more of Claims 52-59, 62-69, 72-79 and 82-89 are unpatentable under 35 U.S.C. §103(a) over Sloane in view of U.S. Patent No. 5,970,472 to Allsop et al?

VII. GROUPING OF THE CLAIMS

Group 1: For issue (A), Claims 50, 51, 60, 61, 70, 71, 80 and 81 are patentable as argued below and stand or fall together.

Group 2: For issue (B), Claims 52, 53, 62, 63, 72, 73, 82 and 83 are patentable as argued below and stand or fall together.

Group 3: For issue (B), Claims 54, 64, 74 and 84 are individually patentable as argued below and stand or fall together.

Group 4: For issue (B), Claims 55, 65, 75 and 85 are individually patentable as argued below and stand or fall together.

Group 5: For issue (B), Claims 56, 57, 66, 67, 76, 77, 86 and 87 are individually patentable as argued below and stand or fall together.

Group 6: For issue (B), Claims 58, 68, 78 and 88 are individually patentable as argued below and stand or fall together.

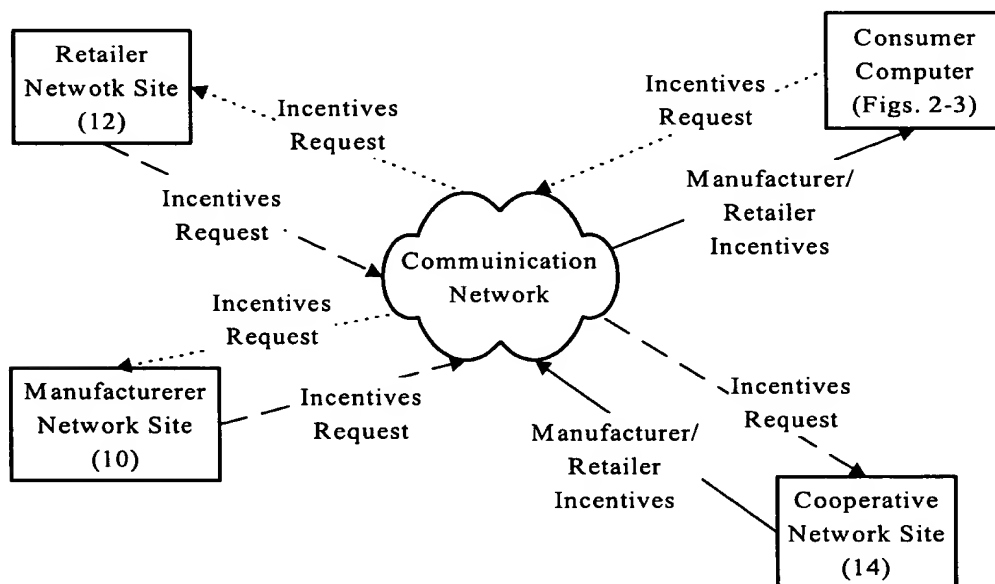
Group 7: For issue (B), Claims 59, 69, 79 and 89 are individually patentable as argued below and stand or fall together.

VIII. ARGUMENT

(A) Claims 50, 51, 60, 61, 70, 71, 80 and 81 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,918,211 to Sloane. That rejection is untenable and should not be sustained.

GROUP 1: CLAIMS 50, 51, 60, 61, 70, 71, 80 and 81

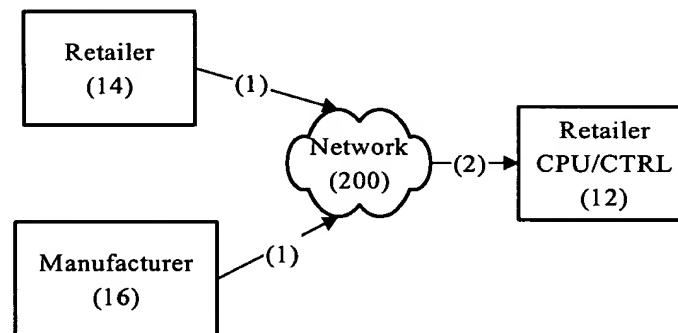
The present invention, as recited in Claims 50, 51, 60, 61, 70, 71, 80 and 81 and as shown in the below exemplary figure, is directed to a system, process, and computer program product for distributing product incentives to consumers over a communication network, including a consumer computer coupled to various network sites 10, 12, and 14 via the communications network. Such an arrangement effectuates distributing of product incentives stored at the cooperative network site 14 to the consumer computer over the communication network 14, in response to a consumer request made over the communication network from one of the manufacturer network site 10 and retailer network site 12. See, e.g., Figures 1-3 and the discussion in Appellants' disclosure thereof. Appellants submit that Sloane fails to disclose or suggest the above-noted features of the claimed invention.

Invention (Group 1; Figs. 1-3)

In contrast, Appellants submit that Sloane is directed to a method, bar code apparatus and system for providing incentives to consumers at a point-of-purchase (POP) in a retail store and fails to disclose or suggest distributing product incentives to consumers over a

communication network, as in the claimed invention (emphasis added). Appellants submit that although Sloane discloses processing incentives between a retailer (or product manufacturer) and a retailer computer/controller 12 over a communication network, as illustrated by the following figure, Sloane fails to disclose or suggest distributing product incentives to consumers over a communication network. See Figures 3a and 3b and the discussion in Sloane thereof.

Sloane (Figs. 3a, 3b)



According to Sloane, a retailer 14 (or sender 16, such as a product manufacturer) designates items that are on sale, or offered with some other consumer promotion or message, and instructs a retailer computer/controller 12 to offer these promotions to a consumer when one of the subject items or related items are selected (i.e., scanned via a bar code scanning device 20) by the consumer at the retail store. The promotion information (arrows 1) is sent to the retailer computer/controller 12 via communication line 200 (i.e., a direct modem connection, an online computer network, such as a Local Area Network (LAN) or a Wide Area Network (WAN), communication over the Internet). The retailer computer/controller 12 is programmed to receive and store the promotional information (arrow 2) from communication line 200 as sent by the retailer 14 or the sender 16. The retailer can then offer

the promotions at the POP to a consumer via a bar code scanning device 20. See Figures 2a-2c and 3a-3b and column 7, lines 4-26 of Sloane.

In the above respect, the Examiner asserts, at page 2 of the Office Action, that the claimed invention, as recited in Claims 50, 60, 70 and 80, is anticipated by Sloane, citing column 7, lines 4-26. However, Appellants submit that contrary to the assertion by the Examiner, Sloane fails to disclose or suggest distributing product incentives to consumers over a communication network, as discussed above and as recited in Claims 50, 51, 60, 61, 70, 71, 80 and 81. Accordingly, Appellants submit that Claims 50, 51, 60, 61, 70, 71, 80 and 81 are not anticipated under 35 U.S.C. §102(e) by Sloane.

(B) Claims 52-59, 62-69, 72-79 and 82-89 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,918,211 to Sloane in view of U.S. Patent No. 5,970,472 to Allsop et al. That rejection is untenable and should not be sustained.

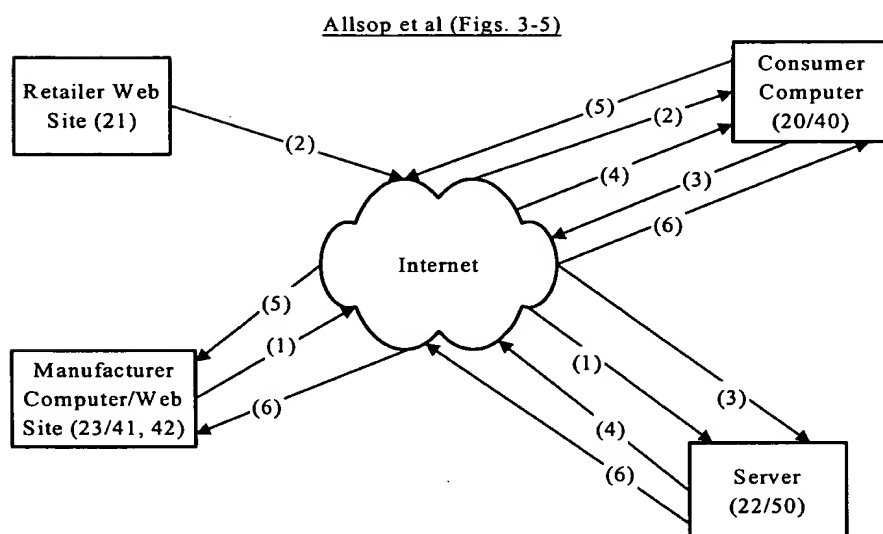
As a preliminary matter, Appellants submit that the declarations of Michael C. Scroggie and Noel Heal under 37 C.F.R. §1.131 including Exhibits A and B filed in the child case serial number 09/505,632 and submitted herewith establish that Allsop et al, U.S. Patent No. 5,970,472, filed May 13, 1997, is not prior art. Accordingly, Appellants submit that a *prima facie* case of obviousness of Claims 52-59, 62-69, 72-79 and 82-89 over Sloane in view of Allsop et al has not been made since Allsop et al is not prior art. Nonetheless, Appellants submit that the claimed invention, as recited in Claims 52-59, 62-69, 72-79 and 82-89, is patentably distinguishable over Sloane, alone or in combination with Allsop et al, as is further argued below.

GROUP 2: CLAIMS 52, 53, 62, 63, 72, 73, 82 and 83

The present invention, as recited in Claims 52, 53, 62, 63, 72, 73, 82 and 83, is directed to the system, process, and computer program product of Claims 50, 60, 70 and 80 and further includes transmitting from a cooperative network site 14 a geographically limited list of retailers honoring incentives from a manufacturer and corresponding incentive data to a consumer via a manufacturer network site 10, in response to a query from the consumer made over a communication network from the manufacturer network site 10. Appellants submit that Sloane, alone or in combination with Allsop et al, fails to disclose or suggest at least the noted features of the claimed invention.

As acknowledged by the Examiner, at page 3, lines 4-5 of ¶4 and page 4, lines 3-5 of the Office Action, Sloane fails to teach or suggest the noted features of the claimed invention. The Examiner attempts to cure such deficiencies in Sloane by applying disclosure from column 8, lines 32-49 of Allsop et al.

However, Appellants submit that, as is further described with respect to the below figure, Allsop et al merely disclose (i) allowing consumers 20 to verify retailer Web sites 21 authorized to sell products of manufactures 23 via server 22 when the retailer Web sites 21 are visited by the consumers 20 and (ii) providing consumers 40 the ability to purchase products of manufacturers at manufacturer Web sites 41, 42 directly from a geographically limited list of authorized Web-linked dealers (WLDs) provided via server 50, such that the consumers 40 are not exposed to competing product information, but fail to disclose or suggest the noted features of the claimed invention. See Figs. 3-8, column 4, line 54 to column 9, line 22 of Allsop et al.



With respect to item (i) above, a manufacturer computer 23 sends a list of retailers authorized to sell products of the manufacturer, which is then stored at a central server 22 (arrows 1). When a consumer 20 receives a shopping basket from a visited retailer Web site 21 (arrows 2), this triggers a retailer validation request to the central server 22 (arrows 3). The central server 22 then transmits an authorization to the consumer 20 (arrows 4) so that the consumer 20 can be ensured that the retailer is authorized to sell products of the manufacturer. See Figs. 3-4 and column 4, line 54 to column 6, line 29 of Allsop et al.

However, as described above, Allsop et al fail to disclose or suggest transmitting from a cooperative network site a geographically limited list of retailers honoring incentives from a manufacturer and corresponding incentive data to a consumer via a manufacturer network site, in response to a query from the consumer made over a communication network from the manufacturer network site, as in the claimed invention.

With respect to item (ii) above, when a consumer visits a manufacturer Web site 41, 42 (arrows 5), a geographically limited list of authorized Web-linked dealers (WLDs)

stored in server 50 is transmitted to the consumer computer 40 from the server 50 via the manufacturer Web site 41, 42 50, such that the consumer is not exposed to competing product information (arrows 6). See Figs. 5-8 and column 6, line 30 to column 9, line 22 of Allsop et al.

However, as described above, Allsop et al fail to disclose or suggest transmitting from a cooperative network site a geographically limited list of retailers honoring incentives from a manufacturer and corresponding incentive data to a consumer via a manufacturer network site, in response to a query from the consumer made over a communication network from the manufacturer network site, as in the claimed invention (emphasis added). In this respect, Allsop et al is silent with respect to providing incentives to consumers, as in the claimed invention. Accordingly, Appellants submit that Claims 50, 51, 60, 61, 70, 71, 80 and 81 are not obvious under 35 U.S.C. §103(a) over Sloane in view of Allsop et al.

GROUP 3: CLAIMS 54, 64, 74 and 84

The present invention, as recited in Claims 54, 64, 74 and 84, is directed to the system, process, and computer program product of Claims 50, 60, 70 and 80 and further includes transmitting from a cooperative network site 14 incentive data for manufacturer offers available at a retailer to a consumer via a retailer network site 12, in response to a query from the consumer made over the communication network from the retailer network site 12; transmitting by the consumer incentive selection data selected from the incentive data to the cooperative network site 14 via the retailer network site 12; and transmitting from the cooperative network site 14 incentives corresponding to the selection data to the consumer via the retailer network site 12. Appellants submit that Sloane, alone or in combination with Allsop et al, fails to disclose or suggest the noted features of the claimed invention.

In the above respect, the Examiner appears to have failed to indicate where and/or how the above-noted features are disclosed in Sloane and/or Allsop et al. Moreover, Allsop et al is silent with respect to providing incentives to consumers, as in the claimed invention. Accordingly, Appellants submit that no *prima facie* case of obviousness of Claims 54, 64, 74 and 84 over Sloane in view of Allsop et al has been made.

GROUP 4: CLAIMS 55, 65, 75 and 85

The present invention, as recited in Claims 55, 65, 75 and 85, is directed to the system, process, and computer program product of Claims 50, 60, 70 and 80 and further includes transmitting from a cooperative network site 14 a consumer personal page including incentive data for manufacturer offers available at a retailer to a consumer via a retailer network site 12, in response to a query from the consumer made over a communication network from the retailer network site 12. Appellants submit that Sloane, alone or in combination with Allsop et al, fails to disclose or suggest at least the noted features of the claimed invention.

As acknowledged by the Examiner, at page 3, lines 4-5 of ¶4 and page 4, lines 6-13 of the Office Action, Sloane fails to teach or suggest the noted features of the claimed invention. The Examiner attempts to cure such deficiencies in Sloane by applying disclosure from column 8, line 66 to column 9, line 2 of Allsop et al.

However, Appellants submit that Allsop et al merely disclose transmitting a customized HTML page from the server 50 to the user computer 40 from the web site 41, 42 of the manufacturer, but fail to teach or suggest transmitting from a cooperative network site a consumer personal page including incentive data for manufacturer offers available at a

retailer to a consumer via a retailer network site, as in the claimed invention (emphasis added). See column 8, line 32 to column 9, line 2 of Allsop et al.

In the above respect, Appellants submit that Allsop et al teach away from the claimed features, since Allsop et al is concerned with not exposing consumers to competing products of competing manufacturers, which may typical occur at a retailer web site. See column 6, lines 30-44 of Allsop et al. Moreover, Allsop et al is silent with respect to providing incentives to consumers, as in the claimed invention. Accordingly, Appellants submit that Claims 55, 65, 75 and 85 are not obvious under 35 U.S.C. §103(a) over Sloane in view of Allsop et al.

GROUP 5: CLAIMS 56, 57, 66, 67, 76, 77, 86 and 87

The present invention, as recited in Claims 56, 57, 66, 67, 76, 77, 86 and 87, is directed to the system, process, and computer program product of Claims 50, 60, 70 and 80 and further includes transmitting from a cooperative network site 14 incentive data for manufacturer offers available at a retailer to a consumer via a retailer network site 12, in response to the consumer transmitting an identification code over a communication network from the retailer network site 12. Appellants submit that Sloane, alone or in combination with Allsop et al, fails to disclose or suggest at least the noted features of the claimed invention.

As acknowledged by the Examiner, at page 3, line 4 of ¶4 to page 4, line 2 of the Office Action, Sloane fails to teach or suggest the noted features of the claimed invention. The Examiner attempts to cure such deficiencies in Sloane by applying disclosure from column 8, lines 17-24 of Allsop et al.

However, Appellants submit that Allsop et al merely disclose transmitting a user identifier to the server 50 from the user computer 40 of the user from the web site 41, 42 of the manufacturer, but fail to teach or suggest transmitting from a cooperative network site incentive data for manufacturer offers available at a retailer to a consumer via a retailer network site, in response to the consumer transmitting an identification code over a communication network from the retailer network site, as in the claimed invention (emphasis added). See column 7, line 24 to column 8, line 31 of Allsop et al.

In the above respect, Appellants submit that Allsop et al teach away from the claimed features, since Allsop et al is concerned with not exposing consumers to competing products of competing manufacturers, which may typical occur at a retailer web site. See column 6, lines 30-44 of Allsop et al. Moreover, Allsop et al is silent with respect to providing incentives to consumers, as in the claimed invention. Accordingly, Appellants submit that Claims 56, 57, 66, 67, 76, 77, 86 and 87 are not obvious under 35 U.S.C. §103(a) over Sloane in view of Allsop et al.

GROUP 6: CLAIMS 58, 68, 78 and 88

The present invention, as recited in Claims 58, 68, 78 and 88, is directed to the system, process, and computer program product of Claims 56, 66, 76 and 86 and further includes basing incentive data on consumer specific data comprising demographic data of a consumer. Appellants submit that Sloane, alone or in combination with Allsop et al, fails to disclose or suggest the noted features of the claimed invention.

In the above respect, the Examiner appears to have failed to indicate where and/or how the above-noted features are disclosed in Sloane and/or Allsop et al. Moreover, Allsop et al is silent with respect to providing incentives to consumers, as in the claimed invention.

Accordingly, Appellants submit that no *prima facie* case of obviousness of Claims 58, 68, 78 and 88 over Sloane in view of Allsop et al has been made.

GROUP 7: CLAIMS 59, 69, 79 and 89

The present invention, as recited in Claims 59, 69, 79 and 89, is directed to the system, process, and computer program product of Claims 56, 66, 76 and 86 and further includes basing incentive data on consumer specific data comprising customer profile data of a consumer. Appellants submit that Sloane, alone or in combination with Allsop et al, fails to disclose or suggest the noted features of the claimed invention.

In the above respect, the Examiner appears to have failed to indicate where and/or how the above-noted features are disclosed in Sloane and/or Allsop et al. Moreover, Allsop et al is silent with respect to providing incentives to consumers, as in the claimed invention. Accordingly, Appellants submit that no *prima facie* case of obviousness of Claims 59, 69, 79 and 89 over Sloane in view of Allsop et al has been made.

Based on the above discussion, Appellants submit that Claims 50-89 are patentably distinguishable under 35 U.S.C. §§102, 103 over the applied references.

For all the above reasons, it is respectfully requested that the rejection of Claims 50-89 be REVERSED.

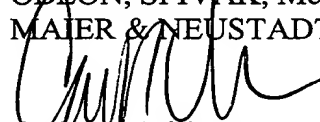
IX. CONCLUSION

Appellants submit that (i) the prior art neither discloses nor suggests the system, method and computer program product of the present invention, as recited in Claims 50-89, (ii) no *prima facie* case of obviousness of Claims 52-59, 62-69, 72-79 and 82-89 over Sloane in view of Allsop et al has been made since Allsop et al is not prior art, and (iii) no *prima*

facia case of obviousness of Claims 54, 58, 59, 64, 68, 69, 74, 78, 79, 84, 88 and 59 over Sloane in view of Allsop et al has been made since the Examiner appears to have failed to indicate where and/or how the claimed features are disclosed in Sloane and/or Allsop et al. Accordingly, it is respectfully requested that all the rejections still pending in the present Office Action be REVERSED.

Respectfully submitted,

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APPENDIX I

CLAIMS ON APPEAL

50. A system for distributing product incentives to consumers over a communication network, comprising:

a cooperative network site configured to store at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer;

at least one of a manufacturer network site and a retailer network site coupled to said cooperative network site via said communication network; and

a consumer computer coupled to one of said manufacturer network site and retailer network site via said communication network,

wherein said cooperative network site is configured to transmit at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network from one of said manufacturer network site and retailer network site.

51. The system of claim 50, wherein said cooperative network site is configured to store at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto.

52. The system of claim 50, wherein, in response to a query from said consumer made over said communication network from said manufacturer network site, said cooperative network site transmits a geographically limited list of retailers honoring incentives from said manufacturer and corresponding incentive data to said consumer via said manufacturer network site;

said consumer transmits incentive selection data selected from said incentive data to said cooperative network site via said manufacturer network site; and

said cooperative network site transmits incentives corresponding to said selection data to said consumer via said manufacturer network site.

53. The system of claim 52, wherein said cooperative network site transmits said geographically limited list of retailers based on a postal code provided by said consumer to said cooperative network site via said manufacturer network site.

54. The system of claim 50, wherein, in response to a query from said consumer made over said communication network from said retailer network site, said cooperative network site transmits incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site;

said consumer transmits incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

said cooperative network site transmits incentives corresponding to said selection data to said consumer via said retailer network site.

55. The system of claim 50, wherein, in response to a query from said consumer made over said communication network from said retailer network site, said cooperative network site transmits a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site;

said consumer transmits incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

said cooperative network site transmits incentives corresponding to said selection data to said consumer via said retailer network site.

56. The system of claim 50, wherein, in response to said consumer transmitting an identification code over said communication network from said retailer network site, said cooperative network site transmits incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, said incentive data is based on consumer specific data of said consumer associated with said identification code;

said consumer transmits incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

said cooperative network site transmits incentives corresponding to said selection data to said consumer via said retailer network site.

57. The system of claim 56, wherein said incentive data is based on said consumer specific data comprising a shopping history of said consumer.

58. The system of claim 56, wherein said incentive data is based on said consumer specific data comprising demographic data of said consumer.

59. The system of claim 56, wherein said incentive data is based on said consumer specific data comprising customer profile data of said consumer.

60. A process for distributing product incentives to consumers over a communication network, comprising:

storing at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer at a cooperative network site;

coupling at least one of a manufacturer network site and a retailer network site to said cooperative network site via said communication network;

coupling a consumer computer to one of said manufacturer network site and retailer network site via said communication network; and

transmitting from said cooperative network site at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network from one of said manufacturer network site and retailer network site.

61. The process of claim 60, further comprising:

storing at said cooperative network site at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto.

62. The process of claim 60, further comprising:

transmitting from said cooperative network site a geographically limited list of retailers honoring incentives from said manufacturer and corresponding incentive data to said consumer via said manufacturer network site, in response to a query from said consumer made over said communication network from said manufacturer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said manufacturer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said manufacturer network site.

63. The process of claim 62, further comprising:

transmitting from said cooperative network site said geographically limited list of retailers based on a postal code provided by said consumer to said cooperative network site via said manufacturer network site.

64. The process of claim 60, further comprising:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a

query from said consumer made over said communication network from said retailer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

65. The process of claim 60, further comprising:

transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

66. The process of claim 60, further comprising:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said consumer transmitting an identification code over said communication network from said retailer network site, and basing said incentive data on consumer specific data of said consumer associated with said identification code;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

67. The process of claim 66, further comprising:

basing said incentive data on said consumer specific data comprising a shopping history of said consumer.

68. The process of claim 66, further comprising:

basing said incentive data on said consumer specific data comprising demographic data of said consumer.

69. The process of claim 66, further comprising:

basing said incentive data on said consumer specific data comprising customer profile data of said consumer.

70. A system for distributing product incentives to consumers over a communication network, comprising:

means for storing at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer at a cooperative network site;

means for coupling at least one of a manufacturer network site and a retailer network site to said cooperative network site via said communication network;

means for coupling a consumer computer to one of said manufacturer network site and retailer network site via said communication network; and

means for transmitting from said cooperative network site at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network from one of said manufacturer network site and retailer network site.

71. The system of claim 70, further comprising:

means for storing at said cooperative network site at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto.

72. The system of claim 70, further comprising:

means for transmitting from said cooperative network site a geographically limited list of retailers honoring incentives from said manufacturer and corresponding incentive data to said consumer via said manufacturer network site, in response to a query from said consumer made over said communication network from said manufacturer network site;

means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said manufacturer network site; and

means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said manufacturer network site.

73. The system of claim 72, further comprising:

means for transmitting from said cooperative network site said geographically limited list of retailers based on a postal code provided by said consumer to said cooperative network site via said manufacturer network site.

74. The system of claim 70, further comprising:

means for transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

75. The system of claim 70, further comprising:

means for transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

76. The system of claim 70, further comprising:

means for transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said consumer transmitting an identification code over said communication network from said retailer network site, and basing said incentive data on consumer specific data of said consumer associated with said identification code;

means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

77. The system of claim 76, further comprising:

means for basing said incentive data on said consumer specific data comprising a shopping history of said consumer.

78. The system of claim 76, further comprising:

means for basing said incentive data on said consumer specific data comprising demographic data of said consumer.

79. The system of claim 76, further comprising:

means for basing said incentive data on said consumer specific data comprising customer profile data of said consumer.

80. A computer program product comprising a computer storage medium having a computer program embedded in said computer storage medium for causing a computer to distribute product incentives to consumers over a communication network, said computer program performing the steps of:

storing at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer at a cooperative network site;

coupling at least one of a manufacturer network site and a retailer network site to said cooperative network site via said communication network;

coupling a consumer computer to one of said manufacturer network site and retailer network site via said communication network; and

transmitting from said cooperative network site at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network from one of said manufacturer network site and retailer network site.

81. The computer program product of claim 80, said computer program further performing the steps of:

storing at said cooperative network site at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto.

82. The computer program product of claim 80, said computer program further performing the steps of:

transmitting from said cooperative network site a geographically limited list of retailers honoring incentives from said manufacturer and corresponding incentive data to said consumer via said manufacturer network site, in response to a query from said consumer made over said communication network from said manufacturer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said manufacturer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said manufacturer network site.

83. The computer program product of claim 82, said computer program further performing the steps of:

transmitting from said cooperative network site said geographically limited list of retailers based on a postal code provided by said consumer to said cooperative network site via said manufacturer network site.

84. The computer program product of claim 80, said computer program further performing the steps of:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

85. The computer program product of claim 80, said computer program further performing the steps of:

transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

86. The computer program product of claim 80, said computer program further performing the steps of:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said consumer transmitting an identification code over said communication network from said retailer network site, and basing said incentive data on consumer specific data of said consumer associated with said identification code;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

87. The computer program product of claim 86, said computer program further performing the steps of:

basing said incentive data on said consumer specific data comprising a shopping history of said consumer.

88. The computer program product of claim 86, said computer program further performing the steps of:

basing said incentive data on said consumer specific data comprising demographic data of said consumer.

89. The computer program product of claim 86, said computer program further performing the steps of:

basing said incentive data on said consumer specific data comprising customer profile data of said consumer.

APPENDIX II

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Findings of fact

1. A system, process, and computer program product for distributing product incentives to consumers over a communication network, as recited in independent Claims 50, 51, 60, 61, 70, 71, 80 and 81, including storing at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer at a cooperative network site; coupling at least one of a manufacturer network site and a retailer network site to the cooperative network site via the communication network; coupling a consumer computer to one of the manufacturer network site and retailer network site via the communication network; and transmitting from the cooperative network site at least one of the manufacturer incentives and retailer incentives to the consumer over the communication network, in response to a consumer request made over the communication network from one of the manufacturer network site and retailer network site is nowhere disclosed or suggested in Sloane.

2. The declarations of Michael C. Scroggie and Noel Heal under 37 C.F.R. §1.131 including Exhibits A and B establish that Allsop et al, U.S. Patent No. 5,970,472, filed May 13, 1997 is not prior art.

3. The system, process, and computer program product for distributing product incentives to consumers over a communication network recited in Claims 50, 51, 60, 61, 70, 71, 80 and 81 and including features as recited in Claims 52-59, 62-69, 72-79 and 82-89 is nowhere disclosed or suggested by Sloane, alone or in combination with Allsop et al.

B. Conclusions of law

1. The subject matter of Claims 50, 51, 60, 61, 70, 71, 80 and 81 is not anticipated by Sloane.
2. A *prima facie* case of obviousness of Claims 52-59, 62-69, 72-79 and 82-89 over Sloane in view of Allsop et al has not been made since Allsop et al is not prior art.
3. A *prima facie* case of obviousness of Claims 54, 58, 59, 64, 68, 69, 74, 78, 79, 84, 88 and 59 over Sloane in view of Allsop et al has not been made since the Examiner appears to have failed to indicate where and/or how the claimed features are disclosed in Sloane and/or Allsop et al.
4. The subject matter of Claims 52-59, 62-69, 72-79 and 82-89 is not obvious over Sloane in view of Allsop et al.
5. The claimed invention, as recited in Claims 50-89, is not unpatentable under 35 U.S.C. §§102, 103.